UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,538	04/09/2001	Richard L. Schwartz	SMIO.0100002	8449

31625 7590 11/18/2004

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER	
NGUYEN, THANH T	

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,538	SCHWARTZ ET AL.	
	Examiner	Art Unit	
	Tammy T Nguyen	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5,6,7,8*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATE
UNITED STATES PATENT AND TRADEMARK OFFI
WASHINGTON, D.C. 20
www.uspto.

Detailed Office Action

1. This action is in response to the application **09/829,538** filed. **April 9, 2001**

2. Claims **1-35** have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard C. Fuisz., (USPN 6,389,455 – Date of Patent: May 14, 2002, herein referred to as "Fuisz").

5. As to claim 1, Fuisz teaches the invention as claimed, including a method for facilitating mediated virtual communication, comprising: facilitating data-

based communication, between a mediation subscriber communication device and a mediation system, for performing a decision operation with a mediation subscriber (Fig.1, with bounce Hub as mediation system); and facilitating voice-based communication, by the mediation system, for performing a mediated follow-through operation associated with a mediated party (col.7, lines 37-55, converting of an e-mail into a voice-mail).

6. 2. As to claim 2, Fuisz teaches the invention as claimed, wherein facilitating data-based communication includes transmitting, for reception by the mediation subscriber communication device, data including a contextual communication summary (col.2, lines 44-60).

7. As to claim 3, Fuisz teaches the invention as claimed, wherein facilitating data-based communication includes transmitting, for reception by the mediation subscriber communication devices data including a plurality of follow-through actions (Fig.1 shows plurality of communication devices).

8. As to claim 4, Fuisz teaches the invention as claimed, wherein facilitating data-based communication includes receiving, from the mediation subscriber communication device, data including a selected follow- through action after transmitting the data packet including the contextual communication summary and the data packet including the plurality of follow-through actions (col.8, lines 45-55, data packet).

9. As to claim 5, Fuisz teaches the invention as claimed, further comprising: facilitating data-based communication, between the mediation system and the

mediation subscriber communication device, for receiving an availability status from the mediation subscriber communication device (col.8, lines 5-35).

10. As to claim 6, Fuisz teaches the invention as claimed, wherein facilitating data-based communication for receiving an availability status includes: transmitting, for reception by the mediation subscriber communication system, data including a plurality of availability selectors (col.2, lines 52-60); and receiving, from the mediation subscriber communication device, data including a present availability status after transmitting the data packet including the plurality of availability selectors (col.8, lines 45-55).

11. As to claim 7, Fuisz teaches the invention as claimed, wherein facilitating data-based communication for receiving an availability status includes: receiving, from the mediation subscriber communication device, data including a present availability status (fig.1 shows available status from subscriber communication device).

12. As to claim 8, Fuisz teaches the invention as claimed, wherein facilitating data-based communication includes: transmitting, for reception by the mediation subscriber communication device, data including a contextual communication summary; and receiving, from the mediation subscriber communication device, data including a selected follow-through action after transmitting the data packet including the contextual communication summary (col.2, lines 52-60).

13. As to claim 9, Fuisz teaches the invention as claimed, wherein facilitating data-based communication includes: determining a selected mediation

information menu from a plurality of mediation information menus; and transmitting, from the mediation system for reception by the mediation subscriber communication device, data including the selected mediation information menu (col.2, lines 40-52, mediation information menu).

14. As to claim 10, Fuisz teaches the invention as claimed, wherein determining the selected mediation information menu includes determining the selected mediation information menu from an availability status menu (col.7, lines 55-65).

15. As to claim 11, Fuisz teaches the invention as claimed, wherein determining the selected mediation information menu includes determining the selected mediation information menu from a follow-through action menu (col.2, lines 1-67 shows all process for follow-through action menu).

16. As to claim 12, Fuisz teaches the invention as claimed, wherein determining the selected mediation information menu includes determining the selected mediation information menu from an options menu (col.7, lines 55-65).

17. As to claim 13, Fuisz teaches the invention as claimed, wherein determining the selected mediation information menu includes determining the selected mediation information menu from a services menu (col.5, lines 10-18).

18. As to claim 14, Fuisz teaches the invention as claimed, wherein determining the selected mediation information menu includes determining the selected mediation information menu from an arrangement options menu (col.7, lines 55-65).

19. As to claim 15, Fuisz teaches the invention as claimed, including a method for facilitating mediated virtual communication, comprising: facilitating data-based communication, between a mediation subscriber communication device and a mediation system, for performing a decision operation with a mediation subscriber (Fig.1, with bounce Hub as mediation system), wherein facilitating said data-based communication includes determining a selected mediation information menu from a group of mediation information menus consisting of an availability status menu, a follow-through action menu, an options menu, a services menu and an arrangement options menu (col.1, line 60 to col.2, line 43, if the user goes on vacation, their email can be forward to associate or to a home account); and transmitting, from the mediation system for reception by the mediation subscriber communication device, data including the selected mediation information menu (col.2, lines 2-60); and facilitating voice-based communication, by the mediation system, for performing a mediation follow-through operation associated with a mediated party (col.7, lines 30-55 converting of an e-mail into a voice mail).

20. As to claim 16, Fuisz teaches the invention as claimed, wherein facilitating data-based communication includes: transmitting, for reception by the mediation subscriber communication device, data including a contextual communication summary and data including a plurality of follow-through actions (col.2, lines 50-60); and receiving, from the mediation subscriber communication device, data including a selected follow-through action after transmitting the data packet including the contextual communication summary

and the data packet including the plurality of follow-through actions (col.2, lines 40-67).

21. As to claim 17, Fuisz teaches the invention as claimed, wherein further comprising: facilitating data-based communication, between the mediation system and the mediation subscriber communication device, for receiving an availability status from the mediation subscriber communication device (Fig.1, show data-based communication between the mediation system and the mediation subscriber communication device).

22. As to claims, 18, and 25, Fuisz teaches the invention as claimed, wherein facilitating data-based communication for receiving an availability status includes: transmitting, for reception by the mediation subscriber communication system, data including a plurality of availability selectors (col.2, lines 52-60); and receive, from the mediation subscriber communication device, data including a present availability status after transmitting the data packet including the plurality of availability selectors (col.8, lines 45-55).

23. As to claim 19, Fuisz teaches the invention as claimed, wherein facilitating data-based communication includes: transmitting, for reception by the mediation subscriber communication device, data including a contextual communication summary; and receiving, from the mediation subscriber communication device, data including a selected follow-through action after transmitting the data packet including the contextual communication summary (col.2, lines 50-60).

24. As to claim 20, Fuisz teaches the invention as claimed, including a computer program product, comprising: a computer program processable by a mediation system (Fig.1 bounce Hub as mediation system); and an apparatus from which the computer program is accessible by the mediation system (Fig.1); the computer program capable of enabling the mediation system to: facilitate data-based communication, between a mediation subscriber communication device and the mediation system, for performing a decision operation with a mediation subscriber (col.2, lines 5-60); and facilitate voice-based communication, by the mediation system, for performing a mediated follow-through operation associated with a mediated party (col.7, lines 37-55, converting of an e-mail into a voice mail).

25. As to claim 21, Fuisz teaches the invention as claimed, wherein enabling the mediation system to facilitate data-based communication includes enabling the mediation system to transmit, for reception by the mediation subscriber communication device, data including a contextual communication summary (col.2, lines 50-60).

26. As to claim 22, Fuisz teaches the invention as claimed, wherein enabling the mediation system to facilitate data-based communication includes enabling the mediation system to transmit, for reception by the mediation subscriber communication device, data including a plurality of follow-through actions (Fig.1,).

27. As to claim 23, Fuisz teaches the invention as claimed, wherein enabling the mediation system to facilitating data-based communication includes enabling

the mediation system to receive, from the mediation subscriber communication device, data including a selected follow-through action after transmitting the data packet including the contextual communication summary and the data packet including the plurality of follow-through actions (col.2, lines 40).

28. As to claim 24, Fuisz teaches the invention as claimed, wherein the computer program is further capable of enabling the mediation system to: facilitate data-based communication, between the mediation system and the mediation subscriber communication device, for receiving an availability status from the mediation subscriber communication device (col.1, line 60 to col.2, lines 53).

29. As to claim 26, Fuisz teaches the invention as claimed, wherein enabling the mediation system to facilitate data-based communication for receiving an availability status includes enabling the mediation system to: receive, from the mediation subscriber communication device, data including a present availability status (col.7, lines 55-65).

30. As to claim 27, Fuisz teaches the invention as claimed, wherein enabling the mediation system to facilitate data-based communication includes enabling the mediation system to: transmit, for reception by the mediation subscriber communication device, data including a contextual communication summary; and receive, from the mediation subscriber communication device, data including a selected follow-through action after transmitting the data packet including the contextual communication summary (col.2, lines 45-65).

31. As to claim 28, Fuisz teaches the invention as claimed, wherein enabling the mediation system to facilitate data-based communication includes enabling the mediation system to: determine a selected mediation information menu from a plurality of mediation information menus; and transmit, from the mediation system for reception by the mediation subscriber communication device, data including the selected mediation information menu (col.2, lines 45-60).

32. As to claim 29, Fuisz teaches the invention as claimed, wherein enabling the mediation system to determine the selected mediation information menu includes enabling the mediation system to determine the selected mediation information menu from a group of mediation information menus consisting of an availability status menu, a follow-through action menu, an options menu; a services menu and an arrangement options menu (col.7, lines 55-65).

33. As to claim 30, Fuisz teaches the invention as claimed, including a computer program product, comprising: a computer program processable by a data processor to implement a mediation system; and an apparatus from which the computer program is accessible by the data processor (Fig.2 bounce processor 10, col.4, lines 30-40, and col.5, lines 19-30); the computer program capable of enabling the data processor to: facilitate data-based communication, between a mediation subscriber communication device and a data processor, for performing a decision operation with a mediation subscriber, wherein enabling the data processor to facilitating said data-based communication includes enabling the data processor to: determine a selected mediation

information menu from a group of mediation information menus consisting of an availability status menu, a follow-through action menu, an options menu, an services menu and an arrangement options menu (col.1, line 60 to col.2, line 60, and col.8, lines 5-31); and transmit, form the data processor for reception by the mediation subscriber communication device, data including the selected mediation information menu (col.1, line 60 to col.2, line 5, and col.2, lines 44-50); and facilitate voice-based communication, by the data processor, for performing a mediated following-though operation associated with a mediated party (col.7, lines 30-55).

34. As to claim 31, Fuisz teaches the invention as claimed, wherein enabling the data processor to facilitate data-based communication enabling the includes enabling the data processor to: transmit, for reception by the mediation subscriber communication device, data including a contextual communication summary and data including a plurality of follow-thought action after transmitting the data packet including the contextual communication summary (col.2, lines 52-60).

35. As to claim 32, Fuisz teaches the invention as claimed, wherein the computer program is further capable of enabling the data processor to: facilitate data-based communication, between the data processor and the mediation subscriber communication device, for receiving an availability status from the mediation subscriber communication device (Fig.1).

36. As to claim 33, Fuisz teaches the invention as claimed, wherein enabling the data processor to facilitate data-based communication for receiving an

availability status includes enabling the data processor to: transmit, for reception by the mediation subscriber communication system, data including a plurality of availability selectors (col.2, lines 52-60); and receive, from the mediation subscriber communication device, data including a present availability status after transmitting the data packet including the plurality of availability selectors (col.8, lines 45-55).

37. As to claim 34, Fuisz teaches the invention as claimed, wherein enabling the data processor to facilitate data-based communication includes enabling the data processor to: transmit, for reception by the mediation subscriber communication device, data including a contextual communication summary (col.2, lines 44-52); and receive, from the mediation subscriber communication device, data including a selected follow-though action after transmitting the data packet including the contextual communication summary (col.2, lines 53-60).

38. As to claim 35, Fuisz teaches the invention as claimed, including a system for facilitating mediated virtual communication, comprising: a mediation system connected to a data packet network and to a voice network, the mediation system being capable of: facilitating data-based communication, between a mediation subscriber communication device and a mediation system, for performing a decision operation with a mediation subscriber (Fig.1, with Bounce Hub as mediation system for performing a decision operation); and facilitating voice-based communication, by the mediation system, for

performing a mediated follow-through operation associated with a mediated party (col.7, lines 37-55, converting of an e-mail into a voice-mail).

Conclusion

39. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(571) 272-3905**.

TTN
November 10, 2004

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600